

SUBMISSION TO THE EPBC ACT REVIEW

ANON-K57V-XQM8-U

Name

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State or Territory

New South Wales

Areas of Interest

Threatened species; International obligations; Indigenous Australians; Matters of National Environmental Significance; Environmental Impact Assessments; Great Barrier Reef; Cumulative impacts; Climate change; Compliance and enforcement; Decision making; Public participation in decision making; Biodiversity; Conservation; Commonwealth national parks; Nuclear; Water;

Attachment provided

Yes

Do you give permission for your submission to be published?

Yes - with my name and/or organisation (if included)

SUBMISSION RESPONSES

This submission was provided as an attachment only. The attachment is provided on the following pages of this document.

SUBMISSION FOR INDEPENDENT REVIEW OF EPBC ACT.

I am a senior citizen, seventy+ years of age, an honours agricultural science graduate and retired biological science research worker. During my university study the publication of Rachel Carson's book *Silent Spring* and her ground breaking work alerted me to the interrelationships between the human and natural world and convinced me that protection of our environment and biodiversity was vitally important

https://en.wikipedia.org/wiki/Silent_Spring.

I am now a mother of four children and grandmother to ten grandchildren. I'm even more deeply convinced of the pressing need and responsibility to preserve our beautiful earth for our children, grandchildren and generations to come.

I thank you for the invitation to make this submission to the independent review of the Environment Protection and Biodiversity Conservation Act 1999.

Western law which governs our society is based on the concept of 'property' i.e. humans own everything on earth regarding it as property; earth had no rights. In contrast, older indigenous cultures recognise/d the fact that we humans are completely dependent on the earth and natural world hence its preservation and care are absolutely vital for our survival. As the Australian Aboriginal people say '*the earth is our mother.*' We have much to learn from our first nations peoples who were custodians of the Australian land for over 40000 years prior to white settlement.

Western property law has allowed and even encouraged utilisation, commodification, exploitation and plundering of earth's resources for the sake of personal and corporate gain and to the detriment of the preservation of the earth itself. So we come to this point in time when recognition that human activities have produced such severe changes that the earth is suffering a pollution, extinction and climate emergency. Immediate action to turn around ecosystem and species loss; water shortages from river and aquifer depletion; deforestation and carbon pollution is urgently needed if human life on earth is to survive. The review of our EPBC laws could not be more urgent and vital.

We have only one planet earth and it must be cared for. I draw your attention to the Earth charter <https://earthcharter.org/> and the 2015 publication of Pope Francis entitled *Laudato Si – on care for our common home*

http://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html and urge you to study these documents as part of the EPBC review. It is time to include consideration of Earth Jurisprudence <https://www.earthlaws.org.au/what-is-earth-jurisprudence/>.

During the years I have lived in Australia I have noticed an incredible loss of wildlife in our suburban gardens and surrounding bushland during walks in national Parks and on our family camping trips. On our arrival in 1968 we were delighted by the multiplicity of different species surrounding us. Plant, animal, bird, reptile and insect life abounded. Now, sadly, species are in serious decline, extinctions increasing and endangered species lists lengthening. Even the bees are becoming a rarity and they are essential for pollination and survival of so many plant communities including many of our food species.

I have seen increasing loss of tree cover accelerating evaporation from land exacerbating droughts, erosion and dust storms. Tree cover is vital to protect and preserve the land, sequester carbon, contribute to local rainfall via transpiration and provide safe habitat for all types of plant and animal species as well as providing shade and shelter for many species of plants and animals. Exponential growth in clearing land and forest for agriculture has occurred over recent years decimating native species, especially the iconic Koala which is becoming endangered as habitats are destroyed. In Qld run off from agricultural fertilisers and chemicals has caused damage to the Great Barrier Reef.

I am sad to see Australia is now in a pollution and extinction crisis powerfully highlighted by this summer's extensive drought, increasing temperatures and catastrophic bush fires.

The unfettered development of fossil fuel mining has devastated huge areas especially in NSW and Qld. Open cut coal mining in NSW has been rampant over the last 20 years in the beautiful NSW Hunter and north west regions with little concern for the environmental, biodiversity and indigenous heritage effects. I am horrified to see that the Hunter area, once a rich green rolling landscape with fresh clean air, is now in many places an industrial wasteland of moon landscapes and shockingly polluted air with many small rural communities destroyed by mine extensions.

Further north, after personally advocating strongly for its preservation, I find it heartbreaking to see the loss of large expanses of the Leard State forest, '*the most extensive and intact stands of the nationally—listed and critically endangered Box-Gum Woodland remaining on the Australian continent*' - <https://www.nature.org/au/media/1445/leardstateforest-iconsunderthreat-2012.pdf> now destroyed by increasing approvals and development of open cut coal mining. The area around Gunnedah, Boggabri and Narrabri is being rapidly transformed into another moon landscape wasteland with complete disregard for the Aboriginal heritage and sacred sites, causing pollution and drawdown of local water supplies. Precious water supplies are seriously impacted by the use of water in mining and excavations destroying aquifers. Water levels in farm bores have dropped substantially and even dried up necessitating new bores to be drilled.

And to further impact this area in Jan 2020 Prime Minister Morrison in his speech to the National Press Club was pressuring NSW to open up the Narrabri area to dangerously polluting coal seam gas mining demonstrating an unbelievably irresponsible and wanton lack of understanding of the urgency of the climate emergency and the need to curtail all fossil fuel mining and use.

Further evidence of the governments' failure to understand the urgency of curtailing carbon polluting fossil fuels and transition to renewable energy sources was shown by the approval of the Adani Carmichael mine. Allowing the huge Galilee basin to be opened up to coal mining exemplified serious failure of environmental planning laws and utter disregard for the loss of endangered species, loss and degradation of essential water and aboriginal heritage sites as well as destruction of ecological communities.

Rehabilitation and ecological restitution of mining sites must be a top priority and enforceable to preserve the environment and biodiversity. Past bonds arrangements have been insufficient and mine sites left unrehabilitated. In future strict requirements for rehabilitation and restitution of landscape and ecological communities needs legislation. To avoid companies exiting without completing rehabilitation an indexed percentage tax could

be placed on mine output and paid regularly e.g. quarterly as part of a BAS statement. Such money must be put into a rehabilitation fund so that the completion of rehabilitation can be carried out.

The governments' serious lack of environmental protection policy was brought into sharp focus when the recent prolonged drought affected most of the country with some towns running out of water. Exacerbated by rising temperatures it culminated in the horrific bush fires over last summer and attracted worldwide attention. The world mourned with Australia this unprecedented loss of human life and property, incineration of thousands of hectares of forest and a billion species of native animals, plant and ecological diversity.

Specific policy measures to re-establish and support communities and the ecological environment must be included in the EPBC act. It is now more important than ever that all politicians and decision makers take action to halt any further deforestation and extinction of Australian flora and fauna which is already amongst the highest in the world.

Despite this shocking 2019/20 summer of drought and bushfires, vested interests are still seeking to weaken current environmental protection. In the past there has been tremendous pressures from various sectors and powerful players seek to disregard ecological, environmental and biodiversity factors when granting development approvals.

To remove political influence from decision making when granting approvals, an independent Environment Protection Agency and National Environment Commission should be set up to assess, approve and enforce nationally important environmental issues.

We have an opportunity now to create a new Environment Act that can stem the tide of Australia's extinction crisis, protect habitats and ecosystems from the impacts of severe climate change and prioritise the protection of the environment above all other considerations. Strong laws are needed to protect our precious water which underpins all life and is especially important in Australia, the driest continent on earth.

The current Act fails to recognise climate disruption as a threat to the integrity of Australia's natural environment or to address our international obligations to help reduce this threat. Climate disruption assessment must be central to the future EPBC Act and form the basis for this review. A 'greenhouse gas pollution/climate trigger' must therefore be instigated to signal that a development project should not be approved.

The review of the Environment Protection and Biodiversity Conservation Act should take into consideration the discussion above and include the following:

- Delivery of a healthy and resilient environment, reverse the extinction trend and reduce Australia's greenhouse gas emissions – especially factoring climate change into decision-making.
- Protection of our native forests and vegetation. It must reduce the amount of discretion that decision-makers have and instead require decisions that protect our land, water, air and native species.

- The Act should be expanded to include power to make binding national standards for air, water and plastic pollutions; to have a greenhouse gas trigger, to guard against invasive species, and to prevent land clearing.
- Include consideration of Earth Jurisprudence for future ecological and environmental determinations.
- Increased legal recognition of indigenous knowledge and rights in the Act, and requirements for the government to seek indigenous involvement in decision-making.
- Administration by trusted, independent and fully resourced and supported institutions – a National EPA and a National Environment Commission to set evidence-based standards and targets, assess the impacts of projects and enforce the law.
- A central role for communities in decision making, including merits review of government decisions, rights to citizen enforcement of breaches, citizen suits when government is failing to fulfil its duties under the Act, and protection from costs orders for public interest cases.
- A legal requirement that all species listed as protected under the EPBC Act have a fully funded plan for the species' recovery.
- With a new generation of environment laws and independent organisations to govern them, the places and wildlife we love can thrive.
- All developmental urban approvals must mandate provision of green, treed open spaces as well as parks and gardens. It is well known that street trees provide valuable cooling effect in urban areas as well as increased amenity, liveability and economic value of the infrastructure which will be essential as temperatures increase.

Once the current corona virus crisis is over increased funding for environmental protection could provide many new and much needed employment opportunities.

Thank you for considering my submission.

Angela Burrows

